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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,190	11/16/2001	John J. Daniels	14531.71.4.2	7006

22913 7590 10/18/2002

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EXAMINER

LEE, Y YOUNG

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/992,190

Applicant(s)
John J. Daniels

Examiner
Y. Lee

Art Unit
2613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Nov 16, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to because elements 14 and 20 in Figure 1 should be changed to "First Recording Means" and "Second Recording Means", respectively. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

- X
3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

- ma a f a
4. Claims 33-38 are objected to because of the following informalities: line 1, "31" should be changed to --32--. Appropriate correction is required.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

X/6. Claims 1-13, 18-22, and 24-38 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Intel Intercast Technologies.

7. Claims 1-13, 18-22, and 24-38 are also rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al (6,388,714).

Schein et al, in Figures 11-13, 16, and 17, discloses an interactive computer system for providing television schedule information using the same method as specified in claims 1-13, 18-22, and 24-38 of the present invention, comprising the acts of as a television program 732 is being displayed by the interactive television system 600, receiving input 20 selecting a hyperlink 730 that is also displayed by the interactive television system 600; in response to the input 20, accessing data corresponding to the hyperlink 730; pausing the display 410 of the television program 732 as the data corresponding to the hyperlink 730 is displayed by the

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interactive television system 600 by recording a signal in which the television program 732 is encoded on a recording medium 520 associated with the interactive television system 600; subsequently resuming the display of the television program 732 by accessing the signal from the recording medium 520 in the sequence in which the signal was recorded on the recording medium 520, such that the television program 732 is displayed at the point at which the television program 732 was paused; displaying the data corresponding to the hyperlink 730 in a first frame on a television (Fig. 12) included in the interactive television system 600; simultaneously displaying a still image 728 associated with the television program in a second frame on the television; wherein the hyperlink 730 includes a web page address, and wherein the data corresponding to the hyperlink 730 includes a web page, such that the act of accessing the data corresponding to the hyperlink 730 comprises the act of accessing the web page; receiving a resume display command 410; ceasing to display the data corresponding to the hyperlink 730; resuming display of the paused television program 732; receiving a television signal in which the television program 732 and the hyperlink 730 are encoded and the data corresponding to the hyperlink 730; storing the data corresponding to the hyperlink 730 in memory 612 such that the data can be retrieved from memory 612 during the act of accessing the data; displaying the television program 732 on a television included in the interactive television system 600 and simultaneously displaying the hyperlink 730 on the television; and selecting a position on the television at which the hyperlink 730 is displayed based on information included in a signal that is

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received by the interactive television system 600 and in which the television program 732 is encoded.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 14-17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Intel Intericast Technologies.

It is noted Intel Intericast Technologies differs from the present invention in that it fails to particularly disclose encoding information within the vertical blanking interval. However, Examiner takes Official Notice that this feature is notoriously well known in the art. Therefore, it is considered obvious to one of ordinary skill in the art to encode additional information, such as data corresponding to the hyperlink, in a vertical blanking interval of the signal in the interactive television system of Intel Intericast Technologies in order to minimize bandwidth usage while maximizing data storage.

10. Claims 14-17 and 23 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al.

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It is noted Schein et al differs from the present invention in that it fails to particularly disclose encoding information within the vertical blanking interval. However, Examiner takes Official Notice that this feature is notoriously well known in the art. Therefore, it is considered obvious to one of ordinary skill in the art to encode additional information, such as data corresponding to the hyperlink, in a vertical blanking interval of the signal in the interactive television system of Schein et al in order to minimize bandwidth usage while maximizing data storage.

Conclusion

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label


"PROPOSED" or "DRAFT")

Or:

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (703) 308-7584.



Y. LEE
PRIMARY EXAMINER

Y. Lee/yl
October 17, 2002